

ESTTA Tracking number: **ESTTA541450**Filing date: **06/04/2013**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	YOLO Board		
Entity	LLC	Citizenship	FL
Address	820 N. County Hwy 393 Suite 11 Santa Rosa Beach, FL 32459 UNITED STATES		

Correspondence information	Betsy San Miguel YOLO Board 820 N. County Hwy 393 Suite 11 Santa Rosa Beach, FL 32459 UNITED STATES betsysanmiguel@gmail.com Phone:770-853-7529
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Applicant Information

Application No	85822746	Publication date	06/04/2013
Opposition Filing Date	06/04/2013	Opposition Period Ends	07/04/2013
Applicant	DARAC, MR APT 6-O 95 Christopher Street New York, NY 10014 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. All goods and services in the class are opposed, namely: Entertainment services, namely, production and distribution of ongoing television programs in the field of Life changing choices and circumstances; Production of television programs
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4193539	Application Date	11/03/2011
Registration Date	08/21/2012	Foreign Priority Date	NONE
Word Mark	YOLO ADVENTURES		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 041. First use: First Use: 2010/03/01 First Use In Commerce: 2010/03/01 Arranging and conducting athletic competitions; Arranging and conducting special events for social entertainment purposes; Conducting fitness classes; Education services, namely, providing lessons in the field of board sports and fitness; Rental of sports equipment; Rental of surf boards; Sport camps; Sports camp services		
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U.S. Registration No.	4189936	Application Date	12/15/2011
Registration Date	08/14/2012	Foreign Priority Date	NONE
Word Mark	YOLO YOGA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2009/05/01 First Use In Commerce: 2009/05/01 Conducting fitness classes; Educational services, namely, providing training of instructors for certification in the field of paddleboard fitness activities; Yoga instruction		

U.S. Registration No.	4292419	Application Date	07/31/2012
Registration Date	02/19/2013	Foreign Priority Date	NONE
Word Mark	CLUB YOLO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2007/03/01 First Use In Commerce: 2011/05/20 Arranging and conducting live, interactive, treasure hunt gaming adventures; Arranging, organizing, conducting, and hosting social entertainment events; Conducting fitness classes; Entertainment in the nature of competitions in the field of paddleboarding; Instruction in the field of paddleboarding; Membership club services, namely, providing training to members in the field of paddleboarding; Operation of sports camps; Organizing, arranging, and conducting paddleboarding events; Rental of sports equipment; Rental of surf boards; Summer camps		

U.S. Application No.	85755943	Application Date	10/17/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	YOLO FIT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2011/05/01 First Use In Commerce: 2012/06/01 Arranging and conducting athletic competitions; Athletic training services; Conducting fitness classes; Educational and entertainment services for children, namely, providing interactive play areas, instructional classes in the field of paddleboarding and social gatherings for children; Physical fitness conditioning classes; Physical fitness instruction; Physical fitness training of individuals and		

	groups; Providing a website featuring information on exercise and fitness; Providing information, news and commentary in the field of current events relating to paddleboarding; Rental of sports equipment; Rental of surf boards
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Attachments	Notice of Opposition YOLO 041.pdf(63945 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by USPS Express Mail Post Office to Addressee on this date.

Signature	/betsysanmiguel/
Name	Betsy San Miguel
Date	06/04/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark Serial No..85822746..

For the mark.....YOLO.....

Published in the Official Gazette on June 4, 2012.....

YOLO Board, LLC)

Opposer)

)

v.)

NOTICE OF OPPOSITION

)

MR. DARAC)

Applicant)

NOTICE OF OPPOSITION

Opposer, Yolo Board LLC is the owner of U.S Registration **3473154** for YOLO BOARD that was issued on July 22, 2008 and has an address at 820 N. County Hwy 393, Santa Rosa Beach, FL 32459 (“Opposer”). YOLO Board, LLC additionally owns Registration Nos. **3596410, 4182359, 4182358, 4182365,, 4291944, 4315618, 4307541, 4327238**. YOLO Board LLC also is the owner of U.S. Registration **4193539, 4236436, 4189936, and 4292419** in class 041, the same class of registration filed for by applicant.

To the best of Opposer’s knowledge, the name and address of the applicant of US Serial No. **85822746** under filing basis 1B in class 009 is MR. DARAC, Apt 6-O, 95 Christopher Street, New York, NY 10014. (“Applicant”).

Opposer would be damaged by the registration of intent to use for the mark YOLO EYEWEAR to Applicant and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer operates a business under the name YOLO Board LLC and also operates a website the domain name www.yoloboard.com since 2007. The opposer sells standup paddleboards, apparel, accessories and sports bags and other related items under the trademarks YOLO and YOLO BOARD. Opposer uses the mark YOLO, YOLO ADVENTURES, YOLO BOARD ADVENTURES, YOLO YOGA, and CLUB YOLO in class 041 for a wide-range of services that include fitness instruction, competitions, excursions, and rentals that is often supported by production and distribution of video services and documentary of activities. Opposer has invested a significant amount of money in developing and promoting its business and protecting its trademark. Opposer believes that the registration of YOLO for use in connection with "entertainment services and production of television programs in the field of life changing choices" will jeopardize opposer's ability to use the marks YOLO, YOLO BOARD, YOLO ADVENTURES to adequately distinguish opposer's goods and services.

2. Opposer has been using the mark "YOLO" and "YOLO BOARD" since at least March 1, 2007, and has secured the following: Registration No. 3473154 for YOLO BOARD on July 22, 2008, Registration. No. 3596410 for YOLO Yak on March 24, 2009, Registration No. 4182365 for YOLO on July 31, 2012, Registration No. 4182358 for YOLO Board on July 31, 2012, and Registration No. 4182359 for YOLO on July 31, 2012 and YOLO YOGA on August 14, 2012 and others. Additionally opposer has been using the marks "YOLO", "YOLO YOGA", YOLO ADVENTURES", and "YOLO BOARD ADVENTURES" for goods in class 041 since at least March 2010.

Claim for Relief

Considering the foregoing, the mark "YOLO" is confusingly similar and likely to create confusion for our customers if registered in class 041 for this stated purpose

Wherefore

for the reasons stated above, petitioner opposes granting an "intent to use" for Serial No 85822746.

By Betsy San Miguel
(partner in YOLO Board, LLC)

Date June 4, 2012